

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GDES INTL LLC,

Plaintiff,

-against-

SHANGHAI LEIKUI FLUID TECHNOLOGY
CO., LTD., et al.,

Defendants.

ORDER

22-CV-03185 (PMH)

PHILIP M. HALPERN, United States District Judge:

On May 26, 2022, GDES Intl LLC (“Plaintiff”) sought leave to serve Shanghai Leikui Fluid Technology Co., Ltd., Hanyang Gu, Defang Li, Xintang Ni, and Sufang Gao (collectively, “Defendants”) by e-mail under Federal Rule of Civil Procedure 4(f)(3). (Doc. 22). The Court denied that motion without prejudice to renew on June 2, 2022. (Doc. 23). The Court held that:

[t]he pending motion—five paragraphs of conclusory arguments spread over approximately two double-spaced pages—provides no basis to grant the relief requested. The motion is, accordingly, DENIED without prejudice to renew. Should Plaintiff seek to renew its motion for alternative service on Defendants, it shall comply with Local Civil Rule 7.1(a).

(*Id.* (internal citations omitted)).

Plaintiff, on June 16, 2022, filed an amended motion under Rule 4(f)(3). (Doc. 24). The Court denied the amended motion on July 1, 2022, explaining that:

[t]he amended motion does not address the deficiencies identified in the June 2, 2022 Order. The motion is, therefore, DENIED without prejudice to renew. Should Plaintiff renew its motion for alternative service on Defendants, it shall comply with Local Civil Rule 7.1(a).

(Doc. 25 (internal citations omitted)).

Pending presently before the Court is Plaintiff’s second amended motion seeking relief under Rule 4(f)(3). (Doc. 27).

While Plaintiff has rectified one deficiency (i.e., it now proceeds by notice of motion in compliance with Local Civil Rule 7.1(a)(1)), Local Civil Rule 7.1(a)(3) requires that any factual information necessary to adjudicate the motion be submitted by way of “[s]upporting affidavits and exhibits thereto” Plaintiff, instead, makes factual statements in its memorandum of law. (*See generally* Doc. 27-1). Simply claiming that alternate service must be permitted by e-mail—without so much as even identifying the e-mail addresses to be used to effectuate service if the motion were granted—is insufficient to secure the relief sought.

The application is, accordingly, DENIED without prejudice to renew. Should Plaintiff renew its motion for alternative service on Defendants, it shall comply with Local Civil Rule 7.1(a) and provide any required factual information by way of affidavit or declaration. *See, e.g., In Re Bystolic Antitrust Litig.*, No. 20-CV-05735, 2021 WL 4296647 (S.D.N.Y. Sept. 20, 2021).

SO ORDERED:

Dated: White Plains, New York
October 6, 2022



PHILIP M. HALPERN
United States District Judge